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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
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United States Of America,)	Case No. 2:17-cr-00073-APG-GWF
Plaintiff,)	
)	<u>Stipulation To Continue Sentencing</u>
vs.)	
)	
Justin Anthony Fisher and)	
Joshua Ray Fisher,)	
Defendants.)	
)	

IT IS HEREBY STIPULATED AND AGREED by and between, Nicholas A. Trutanich, United States Attorney, District of Nevada, Elham Roohani, Assistant United States Attorney, representing the United States of America, and Thomas Pitaro, Esq., representing the Defendant JUSTIN ANTHONY FISHER, and William Terry, Esq., representing the Defendant JOSHUA RAY FISHER that the sentencing in the above captioned case, which is currently scheduled for October 16, 2019 at 2:00 pm, be continued at least 60 days to a date and time convenient to this Court.

1. Government counsel needs additional time to obtain victim impact statements from the live victims in this case for the Court's consideration and to afford the victims

1 their rights under the Crime Victim's Rights Act. This includes facilitating their
2 presence at sentencing if they so request, and obtaining restitution due to them.

3 2. Defense counsel for both defendants need additional time to obtain mitigation
4 evidence for the Court's consideration.

5 3. Due to the voluminous discovery in this case, as well as the fact that there are two
6 defendants, the parties anticipate that the Probation Office would appreciate
7 additional time to prepare the Pre-sentence Investigation Reports.

8 4. The defendants are incarcerated but do not object to the continuance.

9 5. This continuance is not sought for purposes of delay, but to allow for adequate time
10 to prepare for sentencing.

11 6. Denial of this request could result in a miscarriage of justice, and the ends of justice
12 served by granting this request outweigh the best interest of the public and the
13 defendants in a speedy resolution to this case.

14 7. The additional time requested by this stipulation is excludable in computing the time
15 pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161
16 (h)(7)(A), and considering the factors under Title 18, United States Code, Section
17 3161(h)(7)(B)(i), (ii), and (iv).

18 DATED this 27th day of August, 2019.

19 NICHOLAS A. TRUTANICH
United States Attorney

20 /s/
ELHAM ROOHANI
21 Assistant United States Attorney

/s/
THOMAS PITARO
Counsel for Defendant Justin Fisher

/s/
WILLIAM TERRY
Counsel for Defendant Joshua Fisher

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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

-oOo-

7 United States Of America,
8 Plaintiff,

9 vs.

10 Justin Anthony Fisher and
Joshua Ray Fisher,
11 Defendants.

) Case No. 2:17-cr-00073-APG-GWF
)
)

Findings and Order on Stipulation

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13 Based on the pending Stipulation between the defense and the government, and good
14 cause appearing therefore, the Court hereby finds that:

- 15 1. Government counsel needs additional time to obtain victim impact statements from
16 the live victims in this case for the Court's consideration and to afford the victims
17 their rights under the Crime Victim's Rights Act. This includes facilitating their
18 presence at sentencing if they so request, and obtaining restitution due to them.
- 19 2. Defense counsel for both defendants need additional time to obtain mitigation
20 evidence for the Court's consideration.
- 21 3. Due to the voluminous discovery in this case, as well as the fact that there are two
22 defendants, the parties anticipate that the Probation Office would appreciate
23 additional time to prepare the Pre-sentence Investigation Reports.
24

- 1 4. The defendants are incarcerated but do not object to the continuance.
- 2 5. This continuance is not sought for purposes of delay, but to allow for adequate time
- 3 to prepare for sentencing.
- 4 6. Denial of this request could result in a miscarriage of justice, and the ends of justice
- 5 served by granting this request outweigh the best interest of the public and the
- 6 defendants in a speedy resolution to this case.
- 7 7. The additional time requested by this stipulation is excludable in computing the time
- 8 pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161
- 9 (h)(7)(A), and considering the factors under Title 18, United States Code, Section
- 10 3161(h)(7)(B)(i), (ii), and (iv).

11 THEREFORE, IT IS HEREBY ORDERED that the sentencings in the above-

12 captioned matters currently scheduled for October 16, 2019, respectfully, be vacated

13 and continued to a date and time convenient to this court, that is February 6, 2020 at

14 2:00 p.m. in Courtroom 6C.

15 DATED this 28th day of August, 2019.

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18 HONORABLE ANDREW P. GORDON
19 United States District Court Judge
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